



APPLICANT'S INVENTION

Applicant's invention relates to a reflective warning and locating collar for fire hydrants, pylons and support posts to improve their visibility and identity, the collar having a support member defined by a flexible extruded web having flanges along the longitudinal edges to define a channel slot for receipt of an elongate flexible reflective member in web form slidably receivable within the channel, the ends of the reflective member and support member having a plurality of alignable apertures for receipt of a fastening means.

THE REJECTION

Claims 6-8 are objected to for certain informalities.

Claims 1-8 are rejected under 35 U.S.C. §112 as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hughes, Jr. in view of Mohs.

Claims 4-8 are rejected under 35 U.S.C. §103(a) as being

unpatentable over as applied to Claims 1-3 above, and further in view of Blackman, et al.

Claims 1-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blackman, et al. in view of Mohs and Hughes, Jr.

DISCUSSION

Hughes discloses reflective bands for use with highway barricade barrels. Hughes does not disclose a channel, but rather a reflective tape which is adhesed to a plastic band. Hughes utilizes a plurality of such bands on a per barrel basis. Mohs teaches a reflective seal trim strip for providing a long and narrow reflector (column 1, line 49). Applicant respectfully submits that the combination of Hughes and Mohs neither teaches nor suggests the structure and use of Applicant's invention within the criteria of Graham v. John Deere.

Claims 4 through 8 and Claims 1 through 8 are further rejected on the basis of Hughes and Mohs in combination with Blackman. Blackman discloses a fire hydrant reflector in two patents, the '565 patent and the '567 patent. The '565 patent calls for a band to be bolted to the widest circumference of the cap of the hydrant. The band having positioned or formed therein,

a plurality of distinct, separate, prismatic glass reflectors. The '567 patent to Blackman requires a band to be positioned about the hydrant beneath the cap of the hydrant, but above the hose connections, and comprises a metal band having distinct and separate reflector units. While Blackman addresses the same problem as Applicant, Blackman utilizes separate and distinct reflector units on a metal band which is cooperatively fastened to the hydrant. Applicant's invention consists of a flexible base member and flexible reflective member which encircles the hydrant below the cap and contains a continuous reflector as opposed to the separate and distinct reflectors as taught by Blackman. Applicant respectfully submits that to combine the highway barrel art of Hughes and the reflective trim of Mohs, which is admittedly for positioning a long and narrow reflector (as evidenced by the drawing in Mohs), with Blackman's attempt to improve the visibility of hydrants by circumferential bands physically secured to the hydrant, stretches the argument of obviousness.

Applicant has amended the claims to overcome the informalities and indefiniteness rejections of the Examiner, and in doing so, believes that the claim rejections under 35 U.S.C. §103 have been overcome and a notice of allowance is respectfully

solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES

1. A reflective warning and locating collar for fire hydrants, pylons or support posts, said reflective warning and locating collar comprising:

a support member having an elongated, flexible, extruded web having a first side and a second side, defined by two parallel longitudinal edges and a first end and a second end, said web having flanges depending from said longitudinal edges of said first side of said web, said flanges terminating with inwardly turned second flanges parallel to said web thereby defining a channel between said web and said inwardly turned second flanges from said first end of said support member to said second end of said support member;

a reflective member comprised of an elongate flexible web slidably receivable and [securable] retainable within said channel, said support member and said reflective member having a plurality of alignable apertures proximate their said ends for alignment and receipt of a fastening means so as to permit said support member and said reflective member to be circumscribably engaged about a fire hydrant, pylon or support post forming a

reflective warning and locating collar.

2. The reflective warning and locating collar in accordance with Claim 1 wherein said [web] support member is fabricated from a weather resistant polymer [such as polyethylene].

3. The reflective warning and locating collar in accordance with Claim 1 wherein said reflective member is bonded to a substrate, said substrate and said reflective member slidably receivable within said channel of said [web] support member.

[4. The reflective warning and locating collar in accordance with Claim 1 wherein said ends of said web and said reflective material are secured to each other about said fire hydrant, pylon or support post.]

[5. The reflective warning and locating collar in accordance with Claim 1 wherein said ends of said web member and said reflective member are secured to said fire hydrant, pylon or support post.]

6. A fire hydrant having [improved] an identifiability member comprising:

a fire hydrant having a generally vertically tubular member extending upwardly from the ground and in communication with a source of water, a plurality of hose connections extending

perpendicularly outwardly from said tubular vertical member, [the] said hose connections having cap members affixed thereto and said tubular vertical member having a cap member affixed to a top end, said cap member incorporating a valve actuator, said [improved] identifiability member comprising a reflective warning and locating collar circumscribably engaged about said fire hydrant [between said cap member and said outwardly extending hose connections] said reflective warning and locating collar comprising a support member having an elongated, flexible extruded web having a first side and a second side, defined by two parallel longitudinal edges and a first end and a second end, said web having flanges depending from said longitudinal edges of said first side of said web, said flanges terminating with inwardly turned second flanges parallel to said web thereby defining a channel between said web and said inwardly turned second flanges from said first end of said support member to said second end of said support member, a reflective member comprised of an elongate flexible web slidably receivable and [securable] retainable within said channel, said support member and said reflective member having a plurality of alignable apertures proximate [there] their said ends for alignment and receipt of a fastening means so as to

permit said support member and said reflective member to be circumscribably engaged about said fire hydrant.

7. The fire hydrant in accordance with Claim 6 wherein said reflective warning and locating collar [in accordance with Claim 6 wherein said web] support member is fabricated from a weather resistant polymer [such as polyethylene].

8. The [improved] fire hydrant in accordance with Claim 6 wherein a second reflective warning and locating collar is positioned about said fire hydrant beneath said extending hose connections.